

## R E M A R K S

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the amendments and the discussion that follows. Claims 1-27 are pending in this application. Claims 1-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Pub. No. 2004/0088206 to Thompson et al. (“Thompson”) in view of U.S. Patent No. 6,366,575 to Barkan et al. (“Barkan”). Claims 1, 2, 3, 12, 13, 14, 22, 26, and 27 have been amended. After a careful review of the claims, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 12, 22, 26, and 27 have been amended to clarify that they are directed to human agents, and available agents. Claim 26 has been amended to clarify that it is directed to available agents who converse with callers, and claims 2 and 13 have been amended to claim contextual information of the call (see e.g., para. 0029).

Claims 1-27 have been rejected as obvious over Thompson in view of Barkan. Thompson describes a work allocation system in which computer programs, referred to as mediation agents 28, 29, allocate work to workgroups by bidding for work. However, these computer “mediation agents” that receive the work project information and make the bid are not the actual human agents. Rather, the computer module (i.e. mediator agents) makes the bids, and receives the assignment. The independent claims 1, 12, 22 and 27 claim that human agents make bids in the claimed methods and apparatus. Barkan describes a system in which each of a plurality of routing computers each select an agent to handle a call request from an outside user. One of the selected agents who responds is chosen by the user and the user is signaled to establish a call from the outside phone to the chosen agent.

The Office Action asserts that Thompson teaches providing a description of the call to each of the plurality of agents, referencing mediator agents 28 and 29 and description at paragraphs 0045-0047. However, Thompson mediator agents are software modules (para. 38, “Each work group terminal 45 runs a software program referred to herein as a mediator agent 28, 29”) but are not human agents nor are they agents available to handle the calls. Further, Thompson does not describe receiving a bid from each of the human agents; para. 106 describes software module 28, 29 making bids, thus bids are not received from the human agents who converse with the caller. The Office Action also asserts that Barkan teaches the agent as human, however, Barkan’s human agents also are not provided a description of the call, and Barkan does not describe, and receiving a bid from the human agents. Rather, Barkan describes a call router 18 that receives the call request uses agent status tables to identify an available agent (Col. 5, lines 53-55) and send a bid message (which indicates selection of an agent) to the web server (Col. 5, lines 59-62). The human agent does not see the call information until after the call is delivered to the newly assigned (and thus not available) agent. In Col. 6, lines 20-31 the user (i.e. caller) indicates acceptance, and the call router 18 is notified. Col. 1, lines 17-50 describes, as mentioned above, that a request is sent to a call router which identifies available agents where call request information is sent to the call router (Col. 1, lines 31-33) for use in selecting the agent. Thus, neither references teaches providing a description to an available human agent, or receiving a bid for the call from the available human agents.

Claim 1 and 12 are distinguishable over Thompson and Barkan because neither Thompson nor Barkan teach providing a description of the call to a human agent, nor do they teach receiving a bid from a human agent as claimed. The Office Action concedes that Thompson does not disclose the agent as human, but it asserts that Barkan discloses human agents. Barkan however describes selecting an available agent upon receiving a call request (see

Col. 5, lines 35-57) and then the so called “bid” (actually a message indicating a selected agent) is sent to the web-server, not from or to the agent (Col. 5, line 59- Col. 6, line 4; note in Fig. 6, step 4 shows the bid going from call router 18 to web server 16). Communication is back to the user through the web browser in Step 5 to alert the user so that the user can decide whether to call the agent (Col. 6, lines 5-14). Thus, neither Barkan nor Thompson describe receiving a bid from human agent, and neither describe providing a description of the call to at least some human agents.

With regard to claims 22, 26 and 27, Thompson does not display the description of the call as claimed but merely delivers data to the computer mediator agent module in Thompson which does not use a display. The cited description on page 3, para 45-47 merely describes the computer mediation module determining whether it can handle the work, but does not describe human agents. Similarly, the cited passage on page 6, para. 107 merely describes the OSS software module acceptance of bids from the mediator software based on price. The Office Action asserts that Barkan discloses the step of displaying the provided description to the plurality of agents in Col. 6, line 47-60. However, Barkan at Col. 6, lines 47-60 only describes sending information to the agent station after the user has called the selected agent. Thus, this information is not being sent to a plurality of available agents and is not sent prior to the assignment to an agent as now claimed in claims 22 and 26. The Office Action asserts with regard to claims 22 and 26 that Barkan discloses display of the call description to the plurality of agents, at Col. 5, lines 27-55. However, this passage merely describes call information sent to the call router 18, this is clearly not an agent, and would have no reason to display such data which it uses to automatically assign agents. Thus, there is no displaying of this call description data to the agents prior to the assignment of the call. Thus, claims 22 and 26 are distinguishable over Thompson and Barkan. Therefore, all independent claims 1, 12, 22, 26 and 27 are believed

to distinguish over the combination of Thompson and Barkan. In addition, dependent claims 2-11, 13-21, and 23-25 are believed to be similarly distinguishable because they are dependent upon allowable independent claims 1, 12 and 22.

With regard to claims 3, 10, 14, 21 and 24, Thompson describes accepting bids based on price (see p. 6, para 107) but does not describe rejecting bids based on other criteria such as minimum skill level (Claim 3, 14, 24) or the agents determined average (Claims 10, 21). As described in paragraph 107, Thompson's system bases the decision on price only. While the price determination may consider among other things, how busy the agents are, it is only one factor in the price, and further, the degree of busy-ness is not a skill or an agent average. Thus, claims 3, 12, 14, 21 and 24 have believed to be further distinguishable for this reason.

As discussed above, claims 1-27 are believed to be allowable over the cited references. Therefore, allowance of all pending claims 1-27 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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